

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2026.03
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	April 10, 2003
DATE OF REPORT:	May 8, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 27, 2003

COMPLAINT ISSUES:

Whether the Evansville-Vanderburgh School Corporation and the Evansville-Vanderburgh-Posey County Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to

- a. provide assistive technology; and
- b. conduct an assistive technology evaluation and an Orientation and Mobility evaluation.

511 IAC 7-27-7(b)(1) and (2) by failing to have the student's teacher of record (TOR) monitor the implementation of the student's IEP and provide technical assistance and consultation to all school personnel interacting with the student.

During the course of this investigation, the Complainant requested that the following issues be withdrawn from the Complaint:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to provide assistive technology.

511 IAC 7-27-7(b)(1) and (2) by failing to have the student's teacher of record (TOR) monitor the implementation of the student's IEP and provide technical assistance and consultation to all school personnel interacting with the student.

FINDINGS OF FACT:

1. The Student is eleven years old, attends the local elementary school (the School), and qualifies for special education and related services under the category of other health impairment (OHI) and visual impairment (VI).
2. The Student's written summary report of the CCC meeting held April 17, 2002, included the need for a Mobility evaluation and an assistive technology re-evaluation. The IEP/CCC report did not contain information to indicate the CCC had approved a delayed testing date. The Student's IEP/CCC written summary report of the CCC meeting held October 2, 2002, also included the need for a Mobility evaluation and an assistive technology re-evaluation. The Student's IEP/CCC written summary report of the CCC meeting held February 19, 2003, also included the need for an assistive technology re-

evaluation. According to the evaluation reports, the School completed the Mobility evaluation on February 17, 2003, and the assistive technology evaluation on April 10, 2003.

CONCLUSIONS:

Finding of Fact #2 indicates the CCC did not approve a delayed testing date for the evaluations listed in the IEP/CCC summary report written April 17, 2002. Without such statement of delayed testing in the CCC report, the School was obliged to comply with the timelines for evaluations under 511 IAC 7-25-4(b), to complete evaluations and conduct a CCC meeting to discuss the results within 60 instructional days of the date parental consent was given in the CCC meeting to conduct such evaluations. Therefore, a violation of 511 IAC 7-27-7(a) is found for failing to implement the student's IEP as written, specifically, failing to conduct an assistive technology evaluation and a Mobility evaluation agreed to in the Student's IEP/CCC summary report, within Article 7 timelines.

CORRECTIVE ACTION:

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Evansville-Vanderburgh School Corporation and the Evansville-Vanderburgh-Posey County Special Education Cooperative shall:

1. Distribute a memorandum to all special education instructional staff and all administration staff at the Student's school, by May 30, 2003, reminding them of the obligations under 511 IAC 7-27-7(a) to implement all students' IEP/CCC summary reports as written, and to comply with the timeline requirements for assessments under 511 IAC 7-25-4(b), unless the CCC indicates agreement to a different timeline.
2. Forward to the Division by June 16, 2003, a copy of the circulated memorandum and an assurance statement signed by the Director and Superintendent that all special education instructional staff and administration staff have been reminded of the Article 7 requirements, and the District agrees to comply with such requirements, under 511 IAC 7-27-7(a) and 511 IAC 7-25-4(b), unless the CCC indicates agreement to a different timeline.